

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Randy S. Campney, Sr.

v.

Civil No. 06-cv-297-JD

Superintendent, Bare Hill
Correctional Facility

PROCEDURAL ORDER

On August 26, 2008, the court denied the Superintendent's motion for summary judgment without prejudice, because the question of procedural default raised in the motion could not be resolved while Randy S. Campney's motion for a new trial was pending in state court. Campney has filed a notice that he has exhausted his state court remedies pertaining to his motion for a new trial. On January 8, 2009, the New Hampshire Supreme Court declined Campney's discretionary appeal. Therefore, the case can now proceed.

The Superintendent shall file a motion for summary judgment **on or before October 9, 2009**. Campney will have thirty days to respond.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

September 23, 2009

cc: Randy S. Campney, Sr., pro se
Stephen D. Fuller, Esquire
Susan P. McGinnis, Esquire